

REMARKS

The Final Office Action mailed January 24, 2007 and the Advisory Action dated April 20, 2007 have been received and reviewed.

In his response mailed March 26, 2007 to the Final Office Action mailed January 24, 2007, Applicant requested that the Examiner enter an amendment to the specification. The amendment was not entered because the Examiner considered that it raised the issue of new matter because applicant tried to narrow the scope of "thermodynamically treated fluids".

Since the March 26, 2007 amendment was not entered, this amendment, which would not change the scope of "thermodynamically treated fluids" in the specification, is directed toward the Final Office Action mailed January 24, 2007. Applicant believes that this amendment places the Application in condition for acceptance.

Claims 1-40 are pending. Claims 10, 11 and 14 are allowed. Claims 1-9 and 15-31 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner quotes "that may simultaneously inject thermodynamically treated fluids" and states that this type of language is indefinite in that its use of the auxiliary verb "may" prevents one of ordinary skill to determine the bounds of the claim.

Appellant has amended claims 1, 3, 5, and 6 to eliminate the word *may* and to precisely set forth the thermodynamically treated fluids claimed: gasses that were compressed with and thermodynamically cooled by liquids mixed with them during compression and liquids that were thermodynamically heated by the heat of compression of said gasses while mixed with them. Therefore, amended claims 1-9 (and their dependent claims 15-31) unambiguously describe the capability of appellant's invention to inject gasses that were compressed with and thermodynamically cooled by liquids mixed with them during compression and liquids that were thermodynamically heated by the heat of compression of said gasses while mixed with them. Applicant believes that THERMODYNAMIC PULSE LIFT OIL & GAS RECOVERY SYSTEM's unique ability to inject gasses that were compressed with and thermodynamically cooled by liquids mixed with them during compression and liquids that were thermodynamically heated by the heat of compression of said gasses while mixed with them distinguishes this invention

from any system in the prior art and therefore addresses any basis for rejection of claims 1-9 and 15-31 under 35 U.S.C. 112, second paragraph, and that, if this amendment is entered, those claims will be in condition for allowance.

The Examiner also rejected claims 1-9 as being anticipated by Stoitsits et al 5,421,408, claims 3-5 as being anticipated by McCarvell et al at 3147808 and by Dalsmo et al 6,595,294, and claims 1 and 12 as being anticipated by Prats et al 3,727,686, all under 35 U.S.C. 102(b). However, none of the recovery or injection systems in Stoitsits, McCarvell, Dalsmo or Prats inject gasses that were compressed with and thermodynamically cooled by liquids mixed with them during compression and liquids that were thermodynamically heated by the heat of compression of said gasses while mixed with them whereas all of the foregoing amended claims 1, 3, 5, 6 and 12 (and their dependent claims 15-31) do.

The Examiner also objected to claims 13 and 32-40 as being dependent upon a rejected base claim, claim 12. However, for the reasons cited in the forgoing paragraph, claim 12 should now be allowed because Prats does not involve gasses that were compressed with and thermodynamically cooled by liquids mixed with them during compression and liquids that were thermodynamically heated by the heat of compression of said gasses while mixed with them, and its dependent claims 13 and 3-40 allowed.

Since none of the cited prior art involves gasses that were compressed with and thermodynamically cooled by liquids mixed with them during compression and liquids that were thermodynamically heated by the heat of compression of said gasses while mixed with them, none of the cited art anticipates claims 1-9, or 12 or any claims that depend on them. Therefore, Applicant believes that, if this amendment is entered, his application will be in condition for allowance.

Applicant has amended the specification by adding an "equivalence" paragraph on page 19 for features and modifications of the disclosed embodiments that should be apparent to those skilled in the art.

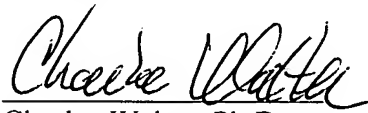
Based on the foregoing amendments and remarks, Applicant submits that the present claims are not indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention, nor are they anticipated by the cited references. Accordingly Applicant respectfully requests that the Examiner

withdraw the rejections and objections, allow the claims, and allow this case to proceed to issue.

If any issues remain, the resolution of which may be resolved through a telephone conference, the Examiner is invited to contact Applicant's attorney at the number listed below.

Applicant thanks the Examiner for his prompt Advisory Action and helpful comments.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Charles Walter".

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